

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
Charleston Division**

STERLING MISANIN, et al.,

Plaintiffs,

v.

ALAN WILSON, in his official capacity
as the Attorney General of South Carolina,
et al.,

Defendants.

Case No. _____

DECLARATION OF STERLING MISANIN

I, Sterling Misanin, hereby declare and state as follows:

1. My name is Sterling Misanin. I am a plaintiff in the above-captioned action and submit this declaration in support of Plaintiff's Motion for a Preliminary Injunction.

2. I am over the age of 18, of sound mind, and in all respects competent to testify. I have personal knowledge of the information contained in this Declaration and would testify completely to those facts if called to do so.

3. I am a South Carolina resident. I live in Charleston with my dog. I have lived in South Carolina since early August 2021, when I moved here from Madison, Wisconsin.

4. I am the USA Learning and Development manager for a global shipping company. I love what I do for work and am skilled at conducting needs gap analyses for our various business divisions, as well as creating, curating and delivering training content to all levels of employees, from new hires to C-Suite. On the weekends, I enjoy working out, running outside, and hanging out with my great group of friends.

5. I am a transgender man.

6. I have known since a very young age that my sex assigned at birth did not match my gender identity, but I did not have the language to describe who I am like I do today. When I was about five years old, I went by the name “John” and used “he” and “him” pronouns with various individuals in my life. That lasted only one or two years because I did not grow up in the most affirming environment, and I experienced shame from family that told me that my chosen name and pronouns were not something I was allowed to feel good about. I remember reading Pinocchio, and the line “wish upon a star” really resonated with me. I used to think that if I kept wishing that I was a boy, it would magically happen.

7. Since elementary school I was always a tomboy, with typical masculine presentation in dress and demeanor. I spent time hanging out with boys in my neighborhood and class, playing pickup games of football and basketball. My dad even used to joke that I was “his favorite son” even though I have a brother because I was the one he would take fishing, hiking and camping.

8. I did not have a good understanding of the word “transgender” until 2014, when I was in college. At that stage in my life, I was able to think independently and begin to process the feelings I had when I was younger. Although it felt like the right word to describe what I was feeling, due to my internalized transphobia it took until the COVID-19 pandemic in 2020 to truly feel comfortable in my identity.

9. During the pandemic, I was able to have a lot of alone time with just myself and my dog at home. It allowed me to safely think about what my life would be like if I lived it more authentically, and it provided me with the space to prioritize my mental health and my happiness over fearing how my family or other people in this world would react.

10. I first came out to after moving to Charleston, South Carolina. The first people I told that I am a man were my friends in Charleston in late October of 2021. By late November, early December I was using “he” and “him” pronouns and going by the name “Sterling” full-time amongst my friends.

11. Based on their positive reactions, I began to tell the more progressive members of my family in late December 2021 and early January of 2022, who I knew would love and support me in living my truth. By February 2022, I told my parents as well. My dad was very supportive and told me that he would always support me no matter what. My mom, though she took some time to warm up to this news, was always doing her best to understand me.

12. After I started the process of “coming out” as a man to my friends and family, I started seeking medical care to address the distress I experienced between my physical body and my gender identity. My primary care doctor was based at MUSC, so I was initially referred to their endocrinology department in January of 2022 to see if I could meet with a doctor who works with transgender adults to discuss medical care. Unfortunately, at that time, MUSC had a four month wait time for an appointment with an endocrinologist, so I sought out another provider who I would be able to see sooner.

13. When I reached out to Planned Parenthood in Charleston, they were able to make me an appointment for March of 2022. My first appointment there was two hours long. At that appointment, I was evaluated for and diagnosed with gender dysphoria. My team of doctors and nurses talked me through medical treatments that are used to alleviate the distress I experience from gender dysphoria. I was informed of the risks, benefits and side effects of hormone replacement therapy (HRT) and was given time to carefully consider pursuing medical treatment.

14. Planned Parenthood requires an individual to provide informed consent and be at least 18 years or older to begin HRT. After the initial appointment and fulfilling the informed consent, I began my medical transition. The first time I filled my prescription for testosterone, which is a medically necessary treatment for my gender dysphoria, was in March of 2022. For the first 24-month period, I filled my prescriptions every three months, and now I am able to fill every six months. In order to authorize a refill prescription, I have to undergo bloodwork and attend a formal doctor's visit (either telehealth or in-person), with Planned Parenthood. During the formal visits, the care team performs an intake evaluation that assesses mental health and stability, as well as changes observed as a result of HRT, and if there are any concerns. It is a continuous discussion with the doctor and myself on whether the dosage is correct or should be changed to be more appropriate based on all the factors mentioned.

15. I receive health insurance through my employer, which provides its employees with coverage under Aetna and OptumRx. Thankfully, I am able to have my hormone therapy covered by my insurance, but it requires a prior-authorization each time it needs to be filled.

16. Starting testosterone was one of the best decisions of my life. When I started noticing the effects of this care, I was elated to see more masculine features appear in my face, body and voice. It brought me a sense of euphoria that I did not realize was possible before. I knew that the next step in my medical care journey was to access top surgery, which is chest masculinization surgery. I had been wearing a binder in excess for over one year, and I began experiencing negative side effects from that binder in the form of back pain and painful rashes. I spoke with my doctors and therapist about the chest dysphoria that I was experiencing, and I researched surgeons through Aetna's approved surgeons list.

17. My consultation process for top surgery began around May of 2022. I spoke to several providers, and finally found one that was affirming and used surgery techniques that resonated with how I wanted my chest to look. In August of 2022, I got the surgery, and I cannot remember my body pre-surgery (and will never look back).

18. Hormone therapy and top surgery allow me to live and be recognized as the man I am. I feel so much more confident and comfortable with top half of my body, but I knew that there was more to be done to address my bottom dysphoria.

19. Through further discussions with my providers at Planned Parenthood, and my doctors at MUSC, and through discussions with family and friends, I knew that the next step in my care journey was to get a hysterectomy, which is required for an eventual phalloplasty, to address my debilitating bottom dysphoria.

20. At my visit with MUSC in January of 2024, I was able to schedule my hysterectomy for March 8, 2024. Prior to the surgery, I worked with my employer and my insurance company, Aetna, to complete the prior authorization requirement. Due to an internal issue with my company's insurance policy, I was required to delay my surgery from March 8, 2024 to June 28, 2024. I received prior authorization for the hysterectomy from Aetna on June 13, 2024.

21. After prior authorization was secured, and up until four days before my surgery, I was in routine communication with MUSC about my upcoming procedure. I was given no indication at all that there would be any issue in proceeding with my surgery. MUSC provides patients with a surgery date well ahead of time, but their practice is to inform patients of a specific surgery time just a day or two before the procedure. I messaged MUSC through the MyChart portal on the morning of June 24, 2024 in order to confirm pre-operation lab work and post-operation

restrictions. In that interaction, they reconfirmed I could go in to get my blood work done and let me know that they would call me the on June 25, 2024 to provide me with my surgery time.

22. What happened instead led to one of the toughest days of my life. I received a phone call from a stranger who asked me if I had a hysterectomy scheduled, to which I responded “yes.” She then asked me whether the surgery was a gender-related procedure, to which I also responded, “yes.” She then very quickly and abruptly told me that MUSC is canceling my surgery due to South Carolina’s law, H 4624, and did not provide me with an opportunity to ask any follow-up questions. She repeatedly advised I needed to talk directly to my surgeon if I had any questions.

23. I was devastated when I hung up the phone after that call. I immediately messaged my surgeon at MUSC who was scheduled to perform my hysterectomy to see if she could give me an explanation for why my surgery had been canceled. She called me back within an hour of my message letting me know that MUSC had decided to shut down all gender affirming care, and was very clear that MUSC was the one cancelling on me.

24. The next day, on June 25, 2024, I submitted a formal complaint with MUSC’s ethics board regarding the abrupt cancellation of my gender affirming procedure. The complaint stated that I was advised by my surgeon that due to my healthcare being directly related to gender-affirming services, MUSC would no longer go through with my surgery, which is discriminatory on the basis of my gender. Within a day, a lawyer from MUSC’s ethics committee called me to let me know that they received my complaint and that I would be best served by going either out of state or through a private provider to access the care I need.

25. Since June of 2024, I have struggled immensely without accessing the care that I need. I was required to begin the consultation process from scratch, and although I have a new surgery date set with a new provider, I had to go through the prior-authorization all over again.

The pain I have experienced from the delay in accessing this medically necessary care is indescribable. It is also difficult for me to find affirming providers and maintain a continuity of care. The new OBGYN provider I scheduled my hysterectomy with is located in a standalone section where gynecological care is the only type of care provided. I cannot discretely access my care with the privacy I was afforded at MUSC (which had multiple departments on one floor), and I am subjected to uncomfortable stares of women and children who ask me distressing questions, like if I am visiting the doctor with my wife or girlfriend.

26. The biggest impact that MUSC's cancellation of my surgery has had is on my work life. I had preplanned my whole year in January to accommodate the time off I would need to take after my surgery in the Spring. I pushed trainings and travel, I asked my coworkers to clear their calendars to cover for me, and then I had my procedure cancelled at no fault of my own. Now, with my new surgery date set for August 23, 2024, I am having to trouble my colleague to return from their paternity leave early to be able to cover for me while I am on medical leave. My work reputation has taken a hit, and I am personally devastated to put my colleagues and my stakeholders in a difficult position as I take great pride in my work.

27. Before I came out as transgender and started receiving gender affirming care, I was a different person. I was constantly angry and difficult to deal with, and my body felt completely foreign to me.

28. Today, I am so much more myself and have been told by friends and family they can see how much happier and healthier I am. My family continues to be extremely supportive of me living as that man that I am. In Charleston, I have a wonderful community of LGBTQ+ folks who make me feel safe and seen. I am so lucky to be supported and affirmed by so many wonderful people who accept me for who I am.

29. The actions by MUSC have caused me significant harm, and I am devastated that my state has interfered in my access to life-saving health care. I am an adult, and I know myself better than my state does, and I cannot stay silent about the very real harms that this law inflicts on transgender people like me.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: August 21, 2024

S. Misanin

Sterling Misanin